



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 817-00  
19 May 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],  
[REDACTED]

Ref: (a) 10 U.S.C.1552  
(b) MILPERSMAN  
(c) Diagnostic and Statistical Manual of Mental Disorders

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy/ Marine Corps, applied to this Board requesting, in effect, that the reason for discharge and his reenlistment code be changed.

2. The Board, consisting of Messrs. Bartlett, Swarens and Hogue, reviewed Petitioner's allegations of error and injustice on 17 May 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 24 July 1995 for four years at age 19. The record reflects that he served without incident until 8 September 1995, when he was referred by an emergency room physician to the recruit evaluation unit (REU) after overdosing on 16 Tylenol tablets in front of the master-at-arms. The REU report noted that Petitioner had been evaluated by the REU the day before and returned to duty. Petitioner stated that he had not been suicidal until that evening, after his master chief yelled at him. He reported that he became disinterested and unmotivated after recruits and his drill commander harassed him about being gay. He stated that this experience was painful and untrue, and some of the harassment reminded him of mistreatment by his foster parents. Since arriving at recruiting training, he claimed an inability to adapt to the routine rigors of basic training, periods of uncontrollable crying, recurrent suicidal ideation, suicidal gesture or attempt, an inability to relax, conflicts with recruit and staff command personnel, and difficulty establishing significant peer relationships. He also reported that when he was sent to the motivational unit for a second time, he refused to train. Petitioner was diagnosed as having an adjustment disorder with disturbance of emotions and conduct. The examining psychologist opined that Petitioner's suicidal ideation and gesture were manipulative in nature, with a view towards obtaining a discharge from the Navy. He presented a continuing danger to himself if retained.

d. On 12 September 1995, Petitioner was notified that an entry level separation was being considered by reason of convenience of the government due to an adjustment disorder. He was advised of his procedural rights, declined to consult with counsel, and waived the right to have his case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an entry level separation due to an adjustment disorder. Petitioner received an uncharacterized entry level separation on 21 September 1995 and was assigned an RE-4 reenlistment code. His DD Form 214 indicates that the reason for his separation was a personality disorder.

e. Reference (b) authorizes separation due to a diagnosed personality disorder as specified in reference (c). The latter reference essentially states that an adjustment disorder is not a personality disorder.

f. Petitioner contends that the reason for his discharge was unjust and the REU report was totally false. He says he

never punched walls or lockers, was not homesick, and the only reason he was unhappy was because he was being cruelly mistreated by his company commanders. He further asserts that he was never suicidal, such thoughts never crossed his mind, and his religious beliefs tell him that suicide is wrong. He claims the Navy was mistaken as to what happened and his stomach was pumped out so there would be documentation to state whether or not Tylenol was in his system. He asserts that there was no proof and he should not have been discharged.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. In this regard, the Board notes Petitioner was not diagnosed as having a personality disorder, but only an adjustment disorder. Therefore, the Board believes that the reason for separation was erroneous and should be changed. He could have been discharged for entry level performance and conduct given his inability to adapt to the military environment. However, since he was not processed for that reason, the Board concludes that it would be appropriate and just to change the reason for separation to "best interest of the service."

Petitioner's contentions and assertions are neither supported by the evidence of record nor by any evidence submitted in support of his application. The Navy views a suicidal gesture with grave concern. Since he posed a potential risk for harm to himself if retained, the Board concludes that the reenlistment code was proper and no change is warranted.

#### RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he received an uncharacterized entry level separation on 21 September 1995 by reason of "Secretarial Authority" vice "Personality Disorder" as now shown on his DD Form 214. This should include the issuance of a new DD Form 214.
- b. That no further relief be granted.
- c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

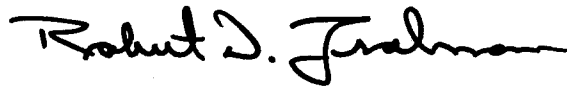
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director